

REMARKS

In the non-final Office Action, the Examiner rejects claims 1, 3, 13, 77-79, and 81-85 under 35 U.S.C. § 102(e) as anticipated by SUBBIAH et al. (U.S. Patent No. 6,538,992); rejects claims 80 and 86 under 35 U.S.C. § 103(a) as unpatentable over SUBBIAH et al.; objects to claims 4-11 as being dependent upon a rejected base claim; and allows claims 12 and 14-26.

By way of the present amendment, Applicant amends claims 1, 3, 80 and 86 to improve form. No new matter has been added by way of the present amendment. Claims 1, 3-26, and 77-86 remain pending.

At the outset, Applicant notes with appreciation the indication that claims 12 and 14-26 are allowable over the art of record and that claims 4-11 contain allowable subject matter.

Claims 1, 3, 13, 77-79, and 81-85 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by SUBBIAH et al. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicant submits that SUBBIAH et al. does not disclose or suggest the combination of features recited in Applicant's claims 1, 3, 13, 77-79, and 81-85.

Amended independent claim 1 is directed to a node apparatus which has a VC set between at least two adjacent node apparatuses and transfers a packet over the VC after dividing the packet into cells. The node apparatus includes a route table, a quality

description table, a plurality of output queues, and an output control section for performing read control on a packet from each output queue so as to achieve a quality set for each output queue. The output destination of an incoming packet is determined by searching the route table by using packet header information. A quality class of the packet is determined by searching the quality description table. The packet is stored in an output queue determined by the determined output destination and quality class, and the packet is read out from the output queue in accordance with the quality set for the output queue. SUBBIAH et al. does not disclose or suggest this combination of features.

For example, SUBBIAH et al. does not disclose or suggest that a packet is stored in an output queue determined by the determined output destination and quality class. The Examiner appears to rely on SUBBIAH et al.'s quality of service (QoS) queues as allegedly corresponding to the recited plurality of output queues (Office Action, pg. 2). The Examiner, however, does not point to any section of SUBBIAH et al. for disclosing that a packet is stored in an output queue determined by the determined output destination and quality class, as required by claim 1. Thus, the Examiner has not established a proper case of anticipation with respect to claim 1.

Nonetheless, SUBBIAH et al. discloses that the QoS requirements of a packet are obtained from an AAL2 Negotiation Procedure (ANP) memory table 106 and based on the packet's QoS information, the packet is stored in an appropriate queue that closely matches the QoS (col. 7, lines 1-50). SUBBIAH et al. specifically discloses that packets are placed in queues based on QoS alone (see, for example, col. 7, lines 46-48). SUBBIAH et al. does not disclose or suggest that the particular queue in which the packet

is stored is determined by a determined output destination and quality class, as required by claim 1.

Since SUBBIAH et al. does not disclose every feature of claim 1, a rejection of claim 1 under 35 U.S.C. § 102 based on SUBBIAH et al. is improper.

For at least the foregoing reasons, Applicant submits that claim 1 is not anticipated by SUBBIAH et al.

Amended independent claim 3 is directed to a node apparatus which has a VC set between node apparatuses and is configured to transfer a packet over the VC after dividing the packet into cells. The node apparatus includes a route table and a quality description table. An output destination of an incoming packet is determined by searching the route table by using packet header information. A quality class of the packet is determined by searching the quality description table. The packet is sent out through a VC determined by the determined output destination and quality class. A plurality of VCs with different qualities is set for the same output destination. SUBBIAH et al. does not disclose or suggest this combination of features.

For example, SUBBIAH et al. does not disclose or suggest a plurality of VCs with different qualities being set for the same output destination. The Examiner does not address this feature in the Office Action. Accordingly, a proper rejection for denying patentability has not been established with respect to claim 3.

Nevertheless, SUBBIAH et al. does not disclose or suggest VCs. Therefore, SUBBIAH et al. cannot disclose or suggest a plurality of VCs with different qualities being set for the same output destination, as required by claim 3. If this rejection is

maintained, Applicant respectfully requests that the Examiner specifically address this feature.

For at least the foregoing reasons, Applicant submits that claim 3 is not anticipated by SUBBIAH et al.

Independent claim 13 is directed to a node apparatus which has a plurality of VCs with different qualities set between the node apparatus and another adjacent node apparatus and transfers a packet over the VC. The node apparatus includes a plurality of output queues for which predetermined qualities are respectively set; an output table in which in correspondence with a destination address of a packet and a predetermined type of information in a packet header, an output queue in which a packet having the destination address and the predetermined information are to be stored and an output VC to which the packet in said output queue is to be output are defined; a header processing section for determining an output queue in which the packet is stored and an output VC by searching the output table by using the destination address and the predetermined information in a header of an incoming packet; and an output control section for reading out a packet from each of the output queues so as to achieve a quality set for each of the output queues, and outputting the packet to the determined output VC. SUBBIAH et al. does not disclose or suggest this combination of features.

For example, SUBBIAH et al. does not disclose or suggest a header processing section for determining an output queue in which the packet is stored and an output VC by searching the output table by using the destination address and the predetermined information in a header of an incoming packet. As set forth above with respect to claim

3, SUBBIAH et al. does not disclose VCs. Therefore, SUBBIAH et al. cannot disclose or suggest a header processing section for determining an output queue in which the packet is stored and an output VC by searching the output table by using the destination address and the predetermined information in a header of an incoming packet, as required by claim 13. If this rejection is maintained, Applicant respectfully requests that the Examiner specifically point out where SUBBIAH et al. discloses this feature.

For at least the foregoing reasons, Applicant submits that claim 13 is not anticipated by SUBBIAH et al.

Independent claim 77 is directed to a method including receiving a packet as a plurality of cells; determining an output destination using a first portion of a header of the packet; determining a quality class for the packet using a second portion of the header of the packet; and storing the packet in an output queue based on the output destination and the quality class. SUBBIAH et al. does not disclose or suggest this combination of features.

For example, SUBBIAH et al. does not disclose or suggest storing a packet in an output queue based on an output destination and a quality class for the packet. As set forth above with respect to claim 1, SUBBIAH et al. specifically discloses that packets are placed in queues based on QoS alone (see, for example, col. 7, lines 46-48). SUBBIAH et al. does not disclose or suggest storing a packet in an output queue based on an output destination and a quality class for the packet, as required by claim 77.

For at least the foregoing reasons, Applicant submits that claim 77 is not anticipated by SUBBIAH et al.

Claims 78, 79, 81, and 82 depend from claim 77. Therefore, these claims are not anticipated by SUBBIAH et al. for at least the reasons given above with respect to claim 77. Moreover, these claims recite additional features not disclosed or suggested by SUBBIAH et al.

For example, claim 78 recites transmitting the packet via a virtual channel (VC) in accordance with the quality class. As set forth above, SUBBIAH et al. does not disclose or suggest a virtual channel. Therefore, SUBBIAH et al. cannot disclose or suggest the above feature of claim 78.

For at least this additional reason, Applicant submits that claim 78 is not anticipated by SUBBIAH et al.

Independent claim 83 recites features similar to (yet possibly of different scope than) features described above with respect to claim 77. Therefore, Applicant submits that claim 83 is not anticipated by SUBBIAH et al. for at least reasons similar to reasons given above with respect to claim 77.

Claims 84 and 85 depend from claim 83. Therefore, these claims are not anticipated by SUBBIAH et al. for at least the reasons given above with respect to claim 83. Moreover, these claims recite additional features not disclosed or suggested by SUBBIAH et al.

For example, claim 84 recites a feature similar to a feature described above with respect to claim 78. Therefore, Applicant submits that claim 84 is not anticipated by SUBBIAH et al. for at least reasons similar to reasons given above with respect to claim 78.

Claims 80 and 86 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SUBBIAH et al. Applicant respectfully traverses this rejection.

Claim 80 depends from claim 79. Therefore, Applicant submits that claim 80 is patentable over SUBBIAH et al. for at least the reasons given above with respect to claim 79.

Claim 86 depends from claim 83. Therefore, Applicant submits that claim 86 is patentable over SUBBIAH et al. for at least the reasons given above with respect to claim 83.

In view of the foregoing amendment and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 05-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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